



## King County

Department of Executive Services

### **Inquest Program**

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### **PRE-HEARING CONFERENCE ORDER**

#### **INQUEST INTO THE DEATH OF DAMARIUS DEMONTA BUTTS INQUEST # 517IQ8013**

#### **PARTIES PRESENT:**

Family of the decedent:	Mother of Damarius Demonta Butts present and represented by Adrien Leavitt and La Rond Baker
Law enforcement officers:	Seattle Police Department Officers Elizabeth Kennedy, Christopher Myers, Joshua Vaaga and Canek Gordillo represented by Evan Bariault and Ted Buck (officers not present at this hearing)
Employing government department:	Seattle Police Department, represented by Ghazal Sharifi, Kerala Cowart and Tom Miller.
Administrator:	Michael Spearman assisted by Matt Anderson

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The Inquest Administrator, having presided over a Pre-Hearing Conference on January 14, 2021 and having heard from the parties, hereby orders the following:

- 1. Inquest date:** The inquest in this matter remains scheduled to commence on March 14, 2022 with testimony to conclude by March 25, 2022. It will occur in the joined Reign and Sounder conferences rooms at the Judge Patricia H. Clark Children and Family Justice Center at 1211 East Alder Street, Seattle, WA 98122.

2. **Pre-Hearing Conference:** The next Pre-Hearing conference will be virtual. The parties are instructed to coordinate and propose a date after all interviews are concluded along with a briefing schedule that will allow all *motions in limine* and any other issues to be decided to be argued at that hearing.
3. **Matthew Noedell** interview – The interview of Mr. Noedell must still be scheduled. The parties are directed to coordinate and schedule it promptly allowing for sufficient time to consider any issues arising therefrom at the next Pre-Hearing Conference.
4. **Ofc. Kang’s testimony** – The Inquest Administrator (IA) accepts the agreement of all parties to preserve Ofc. Kang’s testimony using Moburg Reporting . Such testimony will be presented at the Inquest Hearing in this matter. The preservation of testimony is scheduled for February 7, 2022. The parties are instructed to submit any *motins in limine* relevant to Ofc. Kang’s testimony by January 21, 2022. Responses shall be provided by January 28, 2022. Any party requesting a hearing on any issue briefed shall do so by January 29, 2022. A hearing may be scheduled before the testimony is preserved.
5. **Voir Dire** – Having received no objections that were not previously argued and decided, the Juror Questionnaire proposed by the IA on November 30, 2021 will be used in this inquest.
6. **Exhibits** – Having considered the parties’ arguments, an updated exhibit list is provided with this order, with certain rulings reserved, as indicated in that list.
7. **Instructions** – Having considered the parties’ arguments, an updated set of instructions will be provided for the parties’ review.
8. **Interrogatories** – Having considered the parties’ arguments, an updated set of interrogatories will be provided to the parties. No further argument on the interrogatories is anticipated until the close of evidence, however, the parties are encouraged to alert the IA to any needed corrections to the proposal as soon as they are identified.
9. **Masks and Safety Precautions** – King County Superior Court currently requires all witnesses to wear masks when testifying. Given the dynamic nature of the risks associated with COVID-19, no final decision will be made regarding related safety precautions until the hearing. At that time, the IA will give due deference to King County Superior Court practices, all other relevant safety precautions, the interests of the parties and the need to evaluate the credibility and fully understand the statements of all witnesses and jurors. At a minimum, transparent masks will be offered to any witness or juror who will be answering questions.

**10. Transmission and memorialization of the video image of testifying witnesses –**

Rulings on how to best present the video feed of the witnesses' testimony (i.e., close up of witness via laptop camera or wide-angle view) are reserved. At this juncture, the preference of the IA is to provide a single camera feed enabling the viewer to see the witness, the IA and the attorney conducting examination. The IA will update and solicit input from the parties as decisions are made.

DATED: January 18, 2022.

A handwritten signature in black ink, appearing to read 'M. Spearman', is centered on the page. The signature is fluid and cursive, with a prominent loop at the end.

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Michael Spearman  
Administrator